

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE FISH AND GAME COMMITTEE

Date: Thursday, March 26, 2009
Place: Capitol

Time: 3:00 pm
Room: 422

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 499, SR 15, SR 16, SR 17

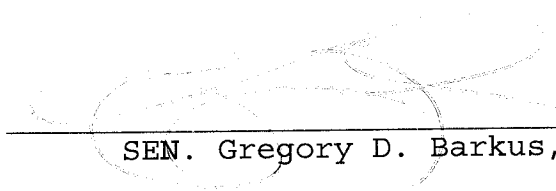
<u>HB 499</u>	<u>SR 15</u>	<u>SR 16</u>	<u>SR 17</u>
<u>PP</u>	<u>PP</u>	<u>PP</u>	<u>PP</u>

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

<u>HB 499</u>	<u>SR 15</u>	<u>SR 16</u>	<u>SR 17</u>
<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>PP</u>	<u>PP</u>	<u>PP</u>	<u>PP</u>
<u>BC</u>	<u>BC</u>	<u>BC</u>	<u>BC</u>
<u>BCAA</u>	<u>BCAA</u>	<u>BCAA</u>	<u>BCAA</u>

COMMENTS:



SEN. Gregory D. Barkus, Chairman

MONTANA STATE SENATE
Roll Call
FISH AND GAME COMMITTEE

DATE: March 22, 2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR GREGORY BARKUS, CHAIRMAN	<input checked="" type="checkbox"/>	
SENATOR JOHN BRENDEN, VICE CHAIRMAN	<input checked="" type="checkbox"/>	
SENATOR JOE BALLYEAT	<input checked="" type="checkbox"/>	
SENATOR DEBBY BARRETT		<input checked="" type="checkbox"/>
SENATOR STEVE GALLUS		<input checked="" type="checkbox"/>
SENATOR LARRY JENT	<input checked="" type="checkbox"/>	
SENATOR TRUDI SCHMIDT	<input checked="" type="checkbox"/>	
SENATOR JIM SHOCKLEY		<input checked="" type="checkbox"/>
SENATOR JOSEPH TROPILA	<input checked="" type="checkbox"/>	



SENATE STANDING COMMITTEE REPORT

March 27, 2009

Page 1 of 1

Mr. President:

We, your committee on **Fish and Game** recommend that **House Joint Resolution 15** (third reading copy -- blue) **be concurred in.**

Signed: _____

Senator Gregory D. Barkus, Chair

To be carried by Senator Jim Shockley

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required ☐

HJ0015001SC00415.sdr

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SENATE STANDING COMMITTEE REPORT

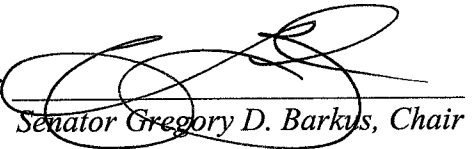
March 27, 2009

Page 1 of 2

Mr. President:

We, your committee on **Fish and Game** recommend that **House Bill 190** (third reading copy -- blue) **be concurred in as amended.**

Signed:


Senator Gregory D. Barkus, Chair

To be carried by Senator Jim Shockley

And, that such amendments read:

1. Page 1, line 30.

Strike: ", conditionally, "

2. Page 2, line 4.

Strike: subsection (3) in its entirety

Insert: "(3) that the legislation neither create any right nor extinguish any right related to county roads established by prescriptive use that exist at the time of passage; "

Renumber: subsequent subsections

3. Page 3, line 6.

Following: line 5

Insert: "(3) The provisions in [sections 1 and 3] and this section related to public access to surface waters for recreational use neither create nor extinguish any right related to county roads established by prescriptive use that exist on [the effective date of this act].

(4) For purposes of determining liability, a person accessing surface waters for recreational use pursuant to this section is owed no duty by a landowner or an agent or tenant of that landowner other than for an act or omission that constitutes willful or wanton misconduct."

4. Page 3, line 14.

Committee Vote:

Yes 7, No 2

Fiscal Note Required __

DR

Following: "characteristics of"

Insert: "an access feature of"

5. Page 3, line 15.

Following: "Examples of"

Insert: "an access feature of"

6. Page 3, line 23.

Following: line 22

Insert: "(b) It may only be necessary to locate one access feature on each side of the surface water. When practicable, one access feature must be located on the downstream bridge edge, guardrail, or abutment. The department may waive these provisions when one access feature is sufficient."

Renumber: subsequent subsections

7. Page 3, line 30 through page 4, line 1.

Strike: subsection (4) in its entirety

- END -



SENATE STANDING COMMITTEE REPORT

March 27, 2009

Page 1 of 1

Mr. President:

We, your committee on **Fish and Game** recommend that **House Bill 499** (third reading copy -- blue) **be concurred in.**

Signed: _____

Senator Gregory D. Barkus, Chair

To be carried by Senator John Brenden

- END -

Committee Vote:

Yes 8, No 1

Fiscal Note Required ☐

HB0499001SC06462.sdr

OK



SENATE STANDING COMMITTEE REPORT

March 27, 2009

Page 1 of 2

Mr. President:

We, your committee on **Fish and Game** recommend that **House Bill 443** (third reading copy -- blue) be concurred in as amended.

Signed:

Senator Gregory D. Barkus, Chair

To be carried by Senator Jim Shockley

And, that such amendments read:

1. Title, page 1, line 5 through line 6.

Strike: "DEFINITIONS" on line 5 through "AND" on line 6

Insert: "THE DEFINITION OF"

Strike: "GRANTING RULEMAKING AUTHORITY;" on line 6

2. Title, page 1, line 6 through line 7.

Strike: "SECTIONS 87-2-101," on line 6

Insert: "SECTION"

Strike: "AND 87-5-105,"

3. Page 1, line 11 through page 2, line 26.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 3, line 20.

Strike: "included" through "87-2-101"

Insert: "legally classified by statute or regulation of this state"

5. Page 3, line 22.

Following: "~~part.~~"

Insert: "Animals designated by statute or regulation of this state as predatory in nature are not classified as nongame wildlife for purposes of this part."

Committee Vote:

Yes 7, No 2

Fiscal Note Required ☐

DR

6. Page 4, line 1 through line 12.

Strike: section 3 in its entirety

Renumber: subsequent sections

- END -

MONTANA STATE SENATE
Roll Call Vote
FISH AND GAME COMMITTEE

DATE 3/26/09 BILL NO. 100 MOTION NO. 1
 MOTION: on amendment 019001.ahs

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR JOHN BRENDEN, VICE CHAIR			
SENATOR JOE BALLYEAT			
SENATOR DEBBY BARRETT			✓
SENATOR STEVE GALLUS			
SENATOR LARRY JENT			
SENATOR TRUDI SCHMIDT			✓
SENATOR JIM SHOCKLEY			
SENATOR JOSEPH TROPILA			
SENATOR GREGORY BARKUS, CHAIRMAN			

MONTANA STATE SENATE
Roll Call Vote
FISH AND GAME COMMITTEE

DATE 7/1/09 BILL NO. 2009-10 MOTION NO. _____
 MOTION: be concurred in as
amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR JOHN BRENDEN, VICE CHAIR			
SENATOR JOE BALLYEAT			
SENATOR DEBBY BARRETT			✓
SENATOR STEVE GALLUS			
SENATOR LARRY JENT			
SENATOR TRUDI SCHMIDT			✓
SENATOR JIM SHOCKLEY			
SENATOR JOSEPH TROPILA			
SENATOR GREGORY BARKUS, CHAIRMAN			

MONTANA STATE SENATE
Roll Call Vote
FISH AND GAME COMMITTEE

DATE 7.20.09 BILL NO 20647 MOTION NO. 1

MOTION: HR 20647

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR JOHN BRENDEN, VICE CHAIR			
SENATOR JOE BALLYEAT			
SENATOR DEBBY BARRETT			
SENATOR STEVE GALLUS			
SENATOR LARRY JENT			
SENATOR TRUDI SCHMIDT			
SENATOR JIM SHOCKLEY			
SENATOR JOSEPH TROPILA			
SENATOR GREGORY BARKUS, CHAIRMAN			

MONTANA STATE SENATE
Roll Call Vote
FISH AND GAME COMMITTEE

DATE 10/1/09 BILL NO 450 MOTION NO. 1

MOTION: to amend the bill to read:

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR JOHN BRENDEN, VICE CHAIR			
SENATOR JOE BALLYEAT			
SENATOR DEBBY BARRETT			
SENATOR STEVE GALLUS			
SENATOR LARRY JENT			
SENATOR TRUDI SCHMIDT			
SENATOR JIM SHOCKLEY			
SENATOR JOSEPH TROPILA			
SENATOR GREGORY BARKUS, CHAIRMAN			

MONTANA STATE SENATE
Roll Call Vote
FISH AND GAME COMMITTEE

DATE BILL NO 43422 MOTION NO. 2

MOTION:

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR JOHN BRENDEN, VICE CHAIR			
SENATOR JOE BALLYEAT			
SENATOR DEBBY BARRETT			
SENATOR STEVE GALLUS			
SENATOR LARRY JENT			
SENATOR TRUDI SCHMIDT			
SENATOR JIM SHOCKLEY			
SENATOR JOSEPH TROPILA			
SENATOR GREGORY BARKUS, CHAIRMAN			

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from FWD Committee because of other commitments. I desire to leave my proxy vote with:

Sen John Bunch

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HJR 15	X				
HB 019008. AHS	X				
HB 190	X				
HB 019001. AHS	X				
HB 499	X				
HB 443 reconsider		X			
HB 443 Do Concurre		X			
HB 443 Conceptual		X			
Amend					

Sen. Debby Barrett
(Signature)

Date 3/26/2009

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Fish & P Committee
because of other commitments. I desire to leave my proxy vote with:

SEN. JOE TROPILA

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	AMENDMENT	AYE	NO
HJR 15	✓				
HB 499	✓				
HB 190 AMEND	✓		HB019008 ahs		
HB 190 AS AMENDED		✓	HB019001 ahs		
HB 190 AS AMENDED	✓				
HB 443 RECONSIDER			NOT ALLOWED IF NOT PRESENT		
HB 443 ^{DO} CONCUR	✓				
HB 443 AMEND	✓		CONCEPTUAL		

Sen. Schmidt
(Signature)

Date 3/26/09

MONTANA STATE SENATE
Visitors Register

Fish and Game Committee

Date 3/2/09

Bill No. 38.15 Sponsor(s) Sen. Sullivan

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PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
<i>John Sullivan</i>	<i>Sen. Sullivan</i>	<i>X</i>		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Fish and Game Committee

Date 2/25

Bill No. 22.16 Sponsor(s) Sen. Sullivan

PLEASE PRINT

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Name and Address	Representing	Support	Oppose	Inf.
<i>John Sullivan</i>	<i>Sen. Sullivan</i>			

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Fish and Game Committee

Date 3/7/09

Bill No. 20.17 Sponsor(s) Sen. Billings

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Name and Address	Representing	Support	Oppose	Inf.
<i>Billings</i>	<i>Sen. Billings</i>			

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Fish and Game Committee

Date 3/26

Bill No. HB 413 Sponsor(s) Rep. Stenmark

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PLEASE PRINT

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Name and Address	Representing	Support	Oppose	Inf.
Ken McDonald	FWP	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.